



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue
Seattle, WA 98101

September 21, 2005

Joseph Kyle, Chief Operating Officer
Atka Pride Seafoods, Inc.
234 Gold Street
Juneau, Alaska 99801

Re: Clean Water Act Violations
Atka Pride Seafoods, Inc.

Dear Mr. Kyle:

I am writing in response to your letter, dated June 2, 2005, and our meeting in May 2005 where you expressed an interest on behalf of Atka Pride Seafoods, Inc. (Atka) to reach resolution of EPA's action against Atka for violations of the Clean Water Act (CWA). In your letter, and in the meeting between EPA and Atka, you explained Atka's failure to have a National Pollutant Discharge Elimination System (NPDES) permit. EPA appreciates your meeting with us in May, your written response to EPA's Notice of Intent to File Complaint, and Atka's current efforts to come into compliance with the CWA.

As we discussed at our meeting in May, under Section 309 of the CWA, EPA can assess administrative civil penalties for violations of the CWA up to \$11,000 per day for each violation, or bring a civil action in district court for \$32,500 per day for each violation. Accordingly, based on Atka's violations of the CWA, EPA could pursue Atka for a significant amount in civil penalties. However, as a result of our meeting, the information you have provided, and your expressed willingness to resolve this matter quickly, EPA is willing to settle these violations for \$72,000.

EPA would prefer to settle this matter quickly and without further litigation. Please advise me within 10 days of receipt of this letter whether this settlement is acceptable to you. If it is, I will prepare a Consent Agreement and Final Order describing the terms of the settlement and payment provisions. If we can not reach a settlement, we will have no choice but to pursue further enforcement of this matter.

If you have any questions or concerns, please call me at (206) 553-1142.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cara Steiner-Riley', written over the printed name.

Cara Steiner-Riley
Assistant Regional Counsel

cc: Athena Ralstin, EPA Compliance Officer